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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 12, 2020

SEAN F. McAVOY, CLERK

9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

2:19-CR-00086-WFN

12 Plaintiff,

Plea Agreement

13 v.

Pursuant to Federal Rule of Criminal
Procedure 11(c)(1)(C)

14 CHARLES JAY EGLET
15 (a/k/a "char.zard99" and "charlieeglet"),
16

Global Disposition with the
State of Washington

17 Defendant.

Court:
Hon. Wm Fremming Nielsen
Senior United States District Judge

18
19
20 Plaintiff United States of America, by and through William D. Hyslop, United
21 States Attorney for the Eastern District of Washington, and David M. Herzog, Assistant
22 United States Attorney, and the State of Washington, by and through Larry Haskell,
23 Prosecuting Attorney for Spokane County, Washington, and Melissa Warrick, Deputy
24 Prosecuting Attorney, and Defendant Charles Jay Eglet, also known as "char.zard99"
25 and "charlieeglet" ("Defendant"), both individually and by and through Mr. Roger
26 Peven, Defendant's federal defense counsel, and Ms. Jocelyn Cook, Defendant's state
27 defense counsel, agree to the following Plea Agreement.
28

Introduction

Defendant has been charged in state and federal court with a number of child exploitation offenses.

On May 7, 2019, a federal Grand Jury returned an Indictment charging Defendant with Online Enticement of a Minor, in violation of 18 U.S.C. § 2422(b) (Count One); Sex Trafficking by Force, Fraud, or Coercion, in violation of 18 U.S.C. § 1591(a)(1), (b)(1) (Count Two); Child Sex Trafficking, in violation of 18 U.S.C. § 1591(a)(1), (b)(2) (Count 3); Receipt of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1) (Count Four); Production of Child Pornography, in violation of 18 U.S.C. § 2251(a), (e) (Count Five); and Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B), (b)(2) (Count Six). Those charges arose from Defendant's conduct with Minor Victim 1, who is from Spokane, Washington.

In August 2018, Defendant was charged in Spokane County Superior Court with Rape of a Child in the Third Degree, in violation of RCW § 9A.44.079 (Count One); and Child Molestation in the Third Degree, in violation of RCW § 9A.44.089 (Count Two). Those charges arise from Defendant's conduct with Minor Victim 2, who is from Moses Lake, Washington.

Defendant wishes to resolve all of these federal and state charges as part of a single, global resolution. The United States Attorney's Office for the Eastern District of Washington and the Spokane County Prosecutor's Office agree to such a resolution, as set forth herein.

1. Guilty Plea and Maximum Statutory Penalties

Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), Defendant agrees to plead guilty to Counts One and Two of an Information Superseding Indictment charging him Production of Child Pornography, in violation of 18 U.S.C. § 2251(a), (e) (Count One), and Online Enticement of a Minor, in violation of 18 U.S.C. § 2422(b) (Count Two).

1 Defendant understands that the charge in Count One, Production of Child
2 Pornography, is a Class B felony. Defendant understands that the maximum penalty for
3 this charge is 30 years in prison, and that the Court must impose a mandatory minimum
4 sentence of no fewer than 15 years in prison. Defendant understands that he will also
5 be subject to a fine of up to \$250,000; a term of supervised release that will be at least 5
6 years, and may be up to a lifetime; restitution; a \$100 special penalty assessment, and
7 registration as a sex offender. Defendant also understands that absent a finding of
8 indigence by the Court, he will be subject to a \$5,000 special assessment, pursuant to
9 the Justice for Victims of Trafficking Act of 2015.

10 Defendant understands that the charge in Count Two, Online Enticement of a
11 Minor, is a Class A felony. Defendant understands that the maximum penalty for this
12 charge is life in prison, and that the Court must impose a mandatory minimum sentence
13 of no fewer than 10 years in prison. Defendant understands that he will also be subject
14 to a fine of up to \$250,000; a term of supervised release that will be at least 5 years, and
15 may be up to a lifetime; restitution; a \$100 special penalty assessment per count, and
16 registration as a sex offender. Defendant also understands that absent a finding of
17 indigence by the Court, he will be subject to a \$5,000 special assessment per count,
18 pursuant to the Justice for Victims of Trafficking Act of 2015.

19 Accordingly, Defendant understands that if Defendant were sentenced
20 consecutively on all of his federal charges, he would face a maximum sentencing
21 exposure of a lifetime in prison, a lifetime of supervised release, a fine of up to
22 \$500,000, restitution, \$200 in standard special assessments, and \$10,000 in Special
23 Assessments pursuant to the Justice for Victims of Trafficking Act of 2015.

24 Defendant further understands that a violation of a condition of his federal
25 supervised release carries an additional penalty of re-imprisonment for all or part of the
26 term of supervised release, pursuant to 18 U.S.C. § 3583(e)(3), without credit for time
27 previously served on post-release supervision. Defendant also specifically understands
28 that he will be required to pay restitution and register as a sex offender.

2. The Court is Not a Party to the Agreement

Defendant understands and acknowledges that the Court is not a party to this Plea Agreement and may accept or reject this Plea Agreement. Defendant understands that sentencing is a matter that is solely within the discretion of the Court. Defendant understands that the Court is under no obligation to accept any recommendations made by the United States or Defendant; that the Court will obtain an independent report and sentencing recommendation from the U.S. Probation Office; and that the Court may, in its discretion, impose any sentence it deems appropriate up to the statutory maxima stated in this Plea Agreement.

Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), the United States and Defendant agree that the appropriate disposition of the case is 270 months in custody (22.5 years), to be followed by a term of supervised release between 20 years and a lifetime. The United States and Defendant agree to make those sentencing recommendations to the Court.

Pursuant to this Plea Agreement, the Spokane County Prosecutor's Office agrees to dismiss all pending criminal charges against Defendant, and not to file new charges arising from conduct by Defendant that occurred prior to the date that Defendant enters a guilty plea in United States District Court on the charges set forth herein, so long as the conduct giving rise to those charges was known to the Spokane County Prosecutor's Office at the time Defendant enters a guilty plea in the above-captioned case.

Defendant understands that this Plea Agreement does not limit any law enforcement agency or prosecuting authority from investigating and/or charging Defendant with any new criminal conduct or violations of Supervised Release that arise during or after his incarceration on these charges. Defendant acknowledges that no promises of any type have been made to him with respect to the sentence the Court will ultimately impose. Defendant understands that the Court is required to consider the applicable Sentencing Guidelines range, but may depart upward or downward.

1 Defendant acknowledges that this Plea Agreement is entered pursuant to Fed. R.
2 Crim. 11(c)(1)(C). Defendant understands that he may withdraw from this Plea
3 Agreement if the Court imposes a term of imprisonment greater than 270 months.

4 Defendant also understands that the United States may withdraw from this Plea
5 Agreement if the Court imposes a term of imprisonment of less than 270 months or a
6 term of supervised release less than 20 years.

7 Defendant acknowledges that if either the United States or Defendant
8 successfully withdraws from this Plea Agreement, the Plea Agreement becomes a
9 nullity, and neither the United States, nor the Spokane County Prosecutor's Office are
10 bound by any representations within it.

11 The United States and Defendant acknowledge that the imposition of a fine,
12 restitution, or conditions of supervised release are not part of the Rule 11(c)(1)(C)
13 nature of this Plea Agreement; that the United States and Defendant are each free to
14 make any recommendation they deem appropriate as to the imposition of a fine,
15 restitution, or conditions of supervised release; and that the Court will exercise its
16 discretion with regard to the imposition of a fine, restitution, or conditions of supervised
17 release. Defendant acknowledges that he may not withdraw from this Plea Agreement
18 based on the Court's decisions regarding a fine, restitution, or conditions of supervised
19 release.

20 3. Effect on Immigration Status

21 Defendant recognizes that pleading guilty may have consequences with respect to
22 his immigration status if he is not a citizen of the United States. Under federal law, a
23 broad range of crimes may be removable offenses, including the offense to which
24 Defendant is pleading guilty. Removal and other immigration consequences are the
25 subject of a separate proceeding, however, and Defendant understands that while
26 deportation and/or removal appears to be a virtual certainty if he is not a citizen of the
27 United States, no one, including his attorney or the District Court, can predict with
28 absolute certainty the effect of his conviction on his immigration status. Defendant

1 nevertheless affirms that he wants to plead guilty regardless of any immigration
 2 consequences that his plea may entail, even if automatic removal from the United States
 3 is a virtual certainty if he is not a United States citizen.

4 4. Waiver of Constitutional Rights

5 Defendant understands that by entering this plea of guilty, Defendant is
 6 knowingly and voluntarily waiving certain constitutional rights, including:

- 7 a. The right to a jury trial;
- 8 b. The right to see, hear and question the witnesses;
- 9 c. The right to remain silent at trial;
- 10 d. The right to testify at trial; and
- 11 e. The right to compel witnesses to testify.

12 While Defendant is waiving certain constitutional rights, Defendant understands
 13 that Defendant retains the right to be assisted through the sentencing and any direct
 14 appeal of the conviction and sentence by an attorney, who will be appointed at no cost if
 15 Defendant cannot afford to hire an attorney. Defendant specifically waives his right to
 16 challenge the constitutionality of any of the statutes of conviction.

17 5. Elements of the Offenses

18 Count One: Production of Child Pornography

19 To convict Defendant of Production of Child Pornography, in violation of 18
 20 U.S.C. § 2251(a), (e), the United States would have to prove the following elements
 21 beyond a reasonable doubt:

- 22 a. *First*, between on or about July 4, 2018, and on or about August 23,
 23 2018, within the Eastern District of Washington, Defendant
 24 employed, used, persuaded, induced, coerced or enticed a minor to
 25 take part in sexually explicit conduct for the purpose of producing a
 26 visual depiction of that conduct;
- 27 b. *Second*, at the time of Defendant's conduct, Minor Victim 1 was a
 28 minor, that is, she had not attained the age of eighteen years; and

- 1 c. *Third*, such visual depiction was produced using materials that had
2 been mailed or shipped or transported in and affecting interstate or
3 foreign commerce by any means, including by computer.

4 Count Two: Online Enticement of a Minor

5 To convict Defendant of Online Enticement of a Minor, in violation of 18 U.S.C.
6 § 2422(b), the United States would have to prove the following elements beyond a
7 reasonable doubt:

- 8 a. *First*, on or about June 5, 2018, within the Eastern District of
9 Washington, Defendant knowingly persuaded, induced, enticed, or
10 coerced Minor Victim 2 to engage in sexual activity;
11 b. *Second*, Defendant did so by communicating with Minor Victim 2
12 using the Internet, which is a means and facility of interstate and
13 foreign commerce;
14 c. *Third*, Minor Victim 2 had not attained the age of eighteen years;
15 and
16 d. *Fourth*, the sexual activity was one for which a person could be
17 charged with a criminal offense.

18 6. Factual Basis and Statement of Facts

19 The United States and Defendant stipulate and agree that the following facts are
20 accurate; that the United States could prove these facts beyond a reasonable doubt at
21 trial; and that these facts constitute an adequate factual basis for Defendant's guilty
22 plea.

23 This factual basis and statement of facts does not preclude either party from
24 presenting and arguing, for sentencing purposes, additional facts which are relevant to
25 the Guidelines computation or sentencing, unless otherwise prohibited in this
26 Agreement.

1 be meeting someone younger than 29 years old, Defendant's true age. Minor Victim 1
2 told Defendant that she was uncomfortable and wanted to leave, but Defendant
3 convinced her to stay and engage in sexual intercourse with him.

4 Following that first interaction, Defendant used the Internet to request that Minor
5 Victim 1 send him images of herself naked, including images depicting her
6 masturbating and lewd and lascivious images of her genitalia. Minor Victim 1 sent
7 Defendant the images he requested. Defendant also met up with Minor Victim 1 twice
8 or three times a week until August 2018, and Defendant engaged in oral sex, vaginal
9 sex, or both, with Minor Victim 1 each time they met.

10 On August 23, 2018, Defendant engaged in sexual intercourse with Minor Victim
11 1 in a house in Spokane. Defendant recorded that sexual conduct on his white Samsung
12 cellular telephone, including lewd and lascivious images of Minor Victim 1's genitalia.
13 Defendant acknowledges that his cellular telephone was produced outside the state of
14 Washington, and therefore, he produced images of child pornography of Minor Victim
15 1 using materials that had been mailed or shipped or transported in and affecting
16 interstate or foreign commerce by any means.

17 Defendant's Online Enticement Conduct

18 In May 2018, Defendant used Snapchat to reach out to Minor Victim 2, who was
19 then 15 years old. Snapchat is an online-based digital application that allows users to
20 communicate and send images back and forth using the Internet. Defendant added
21 Minor Victim 2 as a "friend" on snapchat. Minor Victim 2 did not know who
22 Defendant was.

23 Defendant knowingly misrepresented his age to Minor Victim 2 by telling her
24 that he was younger than 29 years old, his true age. Minor Victim 2 told Defendant that
25 she was 15 years old and attended high school in Moses Lake, Washington.

26 On June 5, 2018, Minor Victim 2 stayed the night with her aunt at Northern
27 Quest Hotel & Casino, within the Eastern District of Washington. While Minor Victim
28 2 was at Northern Quest, Defendant communicated with her via Snapchat and text

1 messages, each of which use the Internet to facilitate online communications. In those
2 communications, Defendant knowingly persuaded, induced, enticed, and coerced Minor
3 Victim 2 to engage in sexual activity with him. Minor Victim 2 met Defendant in the
4 hallway between the hotel lobby and the parking garage. Defendant took Minor Victim
5 2 to his car, which was in the casino parking lot, and engaged in penetrative vaginal
6 sexual intercourse with Minor Victim 2.

7 Defendant acknowledges that he used the Internet to entice Minor Victim 2 to
8 engage in sexual intercourse, which is conduct for which Defendant could be charged
9 with a crime, namely, Rape of a Child in the Third Degree, in violation of the Revised
10 Code of Washington, Section 9A.44.079.

11 7. Agreements To Dismiss and Not File Additional Charges

12 The United States Attorney's Office for the Eastern District of Washington and
13 the Spokane County Prosecutors' Office agree not to bring additional charges against
14 Defendant based on information in their possession at the time of this Plea Agreement,
15 unless Defendant breaches this Plea Agreement prior to sentencing in this case.

16 Defendant understands that the United States Attorney's Office for the Eastern
17 District of Washington and the Spokane County Prosecutors' Office are each free to
18 criminally prosecute Defendant for any other past unlawful conduct or any unlawful
19 conduct that occurs after the date of this Plea Agreement, so long as that conduct was
20 not known to the United States Attorney's Office for the Eastern District of Washington
21 and/or the Spokane County Prosecutors' Office, respectively, on the date that Defendant
22 enters into a federal guilty plea based on this Plea Agreement.

23 At sentencing, the United States agrees to dismiss the underlying Indictment,
24 which charges Defendant with the following:

- 25 a. Online Enticement of a Minor, in violation of 18 U.S.C. § 2422(b)
26 (Count One);
27 b. Sex Trafficking by Force, Fraud, or Coercion, in violation of 18
28 U.S.C. § 1591(a)(1), (b)(1) (Count Two);

- c. Child Sex Trafficking, in violation of 18 U.S.C. § 1591(a)(1), (b)(2) (Count Three);
- d. Receipt of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1) (Count Four);
- e. Production of Child Pornography, in violation of 18 U.S.C. § 2251(a), (e) (Count Five); and
- f. Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B), (b)(2) (Count Six).

At or after the time of sentencing in Defendant's federal case, the Spokane County Prosecutor's Office agrees to dismiss the following currently-pending charges in Spokane County Superior Court:

- a. Rape of a Child in the Third Degree, in violation of RCW § 9A.44.079 (Count One); and
- b. Child Molestation in the Third Degree, in violation of RCW § 9A.44.089 (Count Two).

8. United States Sentencing Guideline Calculations

Defendant understands that the advisory United States Sentencing Guidelines (hereinafter "U.S.S.G.") are applicable to this case and that the Court will determine his applicable sentencing guideline range at the time of sentencing.

Defendant understands that the United States is free to make any arguments regarding the application and effect of the United States Sentencing Guidelines, without limitation. Specifically, Defendant understands that the United States anticipates making the following arguments regarding Defendant's Guidelines calculations.

a. Base Offense Level and Enhancements Under Chapters 2 and 3

The United States anticipates arguing that the following offense level and enhancement calculations apply:

Production of Child Pornography in violation of 18 U.S.C. § 2251(a), (e):

Base Offense Level and Adjustments		Guideline Section
Child Pornography Production	32	U.S.S.G. § 2G2.1(a)
Victim Between 12-16 years old	+2	U.S.S.G. § 2G2.1(b)(1)
Sexual act and sexual contact	+2	U.S.S.G. § 2G2.1(b)(2)(A)
Knowing Distribution of Images from Victim to Defendant	+2	U.S.S.G. § 2G2.1(b)(3)
Use of a computer to solicit participation	+2	U.S.S.G. § 2G2.1(b)(6)(B)
Total	40	

Online Enticement, in violation of 18 U.S.C. § 2422(b):

Base Offense Level and Adjustments		Guideline Section
Attempted Enticement	28	U.S.S.G. § 2G1.3
Knowing Misrepresentation of Defendant's Age	+2	U.S.S.G. § 2G1.3(b)(2)
Use of a Computer	+2	U.S.S.G. § 2G1.3(b)(3)
Commission of a Sex Act	+2	U.S.S.G. § 2G1.3(b)(4)
Total	34	

b. Grouping Analysis Under U.S.S.G. § 3D1.4

The United States anticipates arguing that Defendant's two counts of conviction do not group, because they involved different victims, and that the offense levels for those counts are 40 and 34, respectively. *See* U.S.S.G. §§ 2G2.1(d)(1), 2G1.3(d)(1), 3D1.2(d). The United States anticipates arguing that Defendant accrued 1.5 Units, which results in a 1-level increase to Defendant's highest offense level, pursuant to U.S.S.G. § 3D1.4. Accordingly, the United States anticipates arguing that Defendant's highest offense level of 40 is increased by 1 level, yielding an offense level of 41, prior to any reduction for acceptance of responsibility or any adjustments pursuant to Chapter 4. U.S.S.G. § 3D1.4.

c. Repeat and Dangerous Sex Offender

The United States anticipates arguing that Defendant's Offense Level is increased by an additional five (5) levels because he is a Repeat and Dangerous Sex Offender pursuant to U.S.S.G. § 4B1.5(b)(1), based on the following analysis.

1 Each of Defendant's offenses of conviction is a "covered sex crime" under
2 U.S.S.G. § 4B1.5(b)(1) because each offense is an "offense, perpetrated against a
3 minor" under 18 U.S.C. §§ 2251(a), (e) and 2422(b), which arise under Chapter 110 and
4 117 of the United States Code, respectively, and they are not crimes of transmitting
5 information about a minor or filing a factual statement about an alien individual.
6 U.S.S.G. § 4B1.5, App. Note 2.

7 Defendant also engaged in a pattern of activity involving prohibited sexual
8 conduct with a minor by engaging on at least two occasions in "prohibited sexual
9 conduct with a minor." U.S.S.G. § 4B1.5, App. Note 4(B)(i). For purposes of
10 subsection (b) of U.S.S.G. § 4B1.5, "prohibited sexual conduct" includes "any offense
11 described in 18 U.S.C. § 2426(b)(1)(A) or (B)" as well as "the production of child
12 pornography[.]" U.S.S.G. § 4B1.5, App. Note 4(A).

13 Defendant's recording of himself having sexual intercourse with Minor Victim 1
14 at his parents' home constitutes "the production of child pornography" and Defendant's
15 online enticement of Minor Victim 2 qualifies as an offense described in 18 U.S.C.
16 § 2426(b)(1)(A) because it arises under Chapter 117 of the United States Code.
17 U.S.S.G. § 4B1.5(b)(1), App. Notes 1, 2, and 4, and 18 U.S.C. § 2426(b)(1)(A).

18 d. No Other Agreements

19 The United States and Defendant are each free to seek and recommend additional
20 sentencing Guidelines enhancements, departures, and downward or upward variances,
21 so long as their final sentencing recommendations to the Court include a
22 recommendation of 270 months of incarceration, as set forth in this Rule 11(c)(1)(C)
23 Plea Agreement.

24 Defendant understands that the United States may raise arguments and seek
25 sentencing increases based on Defendant's uncharged conduct, conduct set forth in
26 charges that will be dismissed pursuant to this Agreement, and all of Defendant's
27 relevant conduct.
28

1 e. Acceptance of Responsibility

2 If Defendant pleads guilty and demonstrates a recognition and an affirmative
3 acceptance of personal responsibility for the criminal conduct; provides complete and
4 accurate information during the sentencing process; does not commit any obstructive
5 conduct; accepts this Plea Agreement; and signs and provides this Plea Agreement for
6 filing with the court prior to February 12, 2020, the United States will move for a three-
7 level downward adjustment in offense level for his timely acceptance of responsibility,
8 pursuant to U.S.S.G. § 3E1.1(a) and (b).

9 Defendant and the United States agree that the United States may at its option
10 and upon written notice to Defendant, not recommend a three-level downward
11 reduction for acceptance of responsibility if, after his guilty plea but prior to the
12 imposition of sentence, he is charged or convicted of any criminal offense or tests
13 positive for any controlled substance.

14 f. United States' Calculation of the Guidelines

15 The United States anticipates arguing that Defendant's base offense level,
16 enhancements, and adjustments yield an overall offense level of 43 under the United
17 States Sentencing Guidelines. Defendant understands that based on its calculations, the
18 United States anticipates recommending that the Court conclude that Defendant's
19 Guidelines range is life in prison.

20 g. Criminal History

21 The United States and Defendant understand that Defendant's criminal history
22 computation is tentative and that ultimately Defendant's criminal history category will
23 be determined by the Court after review of the Presentence Investigative Report. The
24 United States and Defendant have made no agreement and make no representations as
25 to the criminal history category, which will be determined after the Presentence
26 Investigative Report is completed.
27
28

1 9. Incarceration

2 The United States and Defendant agree that this plea agreement is entered
3 pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), and that the appropriate
4 disposition of the case is a sentence of 270 months of incarceration, to be followed by a
5 period of supervised release between 20 years and a lifetime. The United States and
6 Defendant each agree to recommend a sentence within those parameters.

7 The United States understands that Defendant will seek, and the Court may
8 recommend, that the United States Bureau of Prisons give Defendant credit for time he
9 has served in state custody. The United States agrees not to object to any such
10 recommendation by the Court.

11 10. Supervised Release

12 The United States and Defendant each agree to recommend that the Court impose
13 a period of supervised release between 20 years and a lifetime, and that Defendant's
14 terms of supervised release will include the following special condition, in addition to
15 the standard conditions of supervised release and the special conditions of supervised
16 release that are imposed in all child sex offender cases in this District:

- 17 a. Defendant shall not contact, in any manner, any identified victim in
18 this case, nor any person with whom Defendant communicated
19 online while that person was a minor. Defendant acknowledges that
20 this condition is the equivalent of a state court keep-away order.
- 21 b. The United States Probation Officer may conduct, upon reasonable
22 suspicion, and with or without notice, a search of Defendant's
23 person, residences, offices, vehicles, belongings, and areas under
24 Defendant's exclusive or joint control.
- 25 c. Defendant shall report to the Probation Office any and all electronic
26 communications service accounts, as defined in 18 U.S.C.
27 § 2510(15) used for user communications, dissemination and/or
28 storage of digital media files (i.e. audio, video, images). This

1 includes, but is not limited to, email accounts, social media
2 accounts, and cloud storage accounts. Defendant shall provide each
3 account identifier and password, and shall report the creation of new
4 accounts, changes in identifiers and/or passwords, transfer,
5 suspension and/or deletion of any account within 5 days of such
6 action. Failure to provide accurate account information may be
7 grounds for revocation. The Probation Office is permitted to access
8 and search any accounts using Defendant's credentials pursuant to
9 this condition only when reasonable suspicion exists that Defendant
10 has violated a condition of his supervision and that the accounts to
11 be searched contain evidence of this violation.

12 11. Criminal Fine

13 The United States and Defendant are free to make whatever recommendation
14 concerning the imposition of a criminal fine that they believe is appropriate.

15 12. Mandatory Special Penalty Assessment

16 Defendant agrees to pay the \$200 mandatory special penalty assessment to the
17 Clerk of Court for the Eastern District of Washington, at or before sentencing, pursuant
18 to 18 U.S.C. § 3013, and agrees to provide a receipt from the Clerk to the United States
19 before sentencing as proof of this payment.

20 Defendant agrees that pursuant to the JVT A, an additional mandatory special
21 assessment of \$5,000 must be imposed upon conviction, absent a judicial finding of
22 indigence.

23 13. Payments While Incarcerated

24 If Defendant lacks the financial resources to pay the monetary obligations
25 imposed by the Court, Defendant agrees to earn money toward these obligations by
26 participating in the Bureau of Prisons' Inmate Financial Responsibility Program.
27
28

1 14. Restitution

2 The United States and Defendant agree that restitution is required. *See* 18 U.S.C.
3 §§ 2248, 2259, 3663A, and 3664. Pursuant to 18 U.S.C. § 3663(a)(3), Defendant
4 voluntarily agrees to pay the agreed-upon restitution amount for all losses to all victims
5 caused by Defendant's individual conduct, in exchange for the United States not
6 bringing additional potential charges, regardless of whether counts of the Indictment
7 dealing with such losses will be dismissed as part of this Plea Agreement. With respect
8 to restitution, the United States and Defendant agree to the following:

9 a. Restitution Amount and Interest

10 The United States and Defendant hereby stipulate and agree that, pursuant to 18
11 U.S.C. §§ 3663, 3663A and 3664, the Court should order restitution in an amount to be
12 determined at or before sentencing. The United States and Defendant agree that interest
13 on this restitution amount, if any, should be waived.

14 b. Payments

15 To the extent that the Court orders restitution, the United States and Defendant
16 agree that the Court will set a restitution payment schedule based on his financial
17 circumstances. *See* 18 U.S.C. § 3664(f)(2), (3)(A). Regardless, Defendant agrees to
18 pay not less than 10% of his net monthly income towards his restitution obligation.

19 c. Treasury Offset Program and Collection

20 Defendant understands the Treasury Offset Program ("TOP") collects delinquent
21 debts owed to federal agencies. If applicable, the TOP may take part or all of
22 Defendant's federal tax refund, federal retirement benefits, or other federal benefits and
23 apply these monies to Defendant's restitution obligations. *See* 26 U.S.C. § 6402(d); 31
24 U.S.C. § 3720A; 31 U.S.C. § 3716.

25 Defendant also understands the United States may, notwithstanding the Court-
26 imposed payment schedule, pursue other avenues to ensure the restitution obligation is
27 satisfied, including, but not limited to, garnishment of available funds, wages, or assets.
28 *See* 18 U.S.C. §§ 3572, 3613, and 3664(m).

1 Nothing in this acknowledgment shall be construed to limit Defendant's ability to
2 assert any specifically identified exemptions as provided by law, except as set forth in
3 this Plea Agreement.

4 Until a fine or restitution order is paid in full, Defendant agrees fully to disclose
5 all assets in which he has any interest or over which he exercises control, directly or
6 indirectly, including those held by a spouse, parent, nominee, or third party. Until such
7 time as the fine or restitution order is paid in full, Defendant agrees to provide waivers,
8 consents or releases requested by the U.S. Attorney's Office to access records to verify
9 the financial information.

10 d. Notifications and Waivers

11 Defendant agrees to notify the Court and the United States of any material
12 change in his economic circumstances (e.g., inheritances, monetary gifts, changed
13 employment, or income increases) that might affect his ability to pay restitution. *See* 18
14 U.S.C. § 3664(k). This obligation ceases when the restitution is paid-in-full.

15 Defendant agrees to notify the United States of any address change within 30
16 days of that change. *See* 18 U.S.C. § 3612(b)(1)(F). This obligation ceases when the
17 restitution is paid-in-full.

18 Defendant acknowledges that the Court's decision regarding restitution is final,
19 non-appealable, and not part of the Rule 11(c)(1)(C) nature of this Plea Agreement; that
20 is, even if Defendant is unhappy with the amount of restitution ordered by the Court,
21 that will not be a basis to withdraw his guilty pleas, withdraw from this Plea
22 Agreement, or appeal his convictions, sentence, or restitution order.

23 15. Judicial Forfeiture

24 Defendant agrees to voluntarily forfeit and relinquish all right, title, and interest
25 he has in the following listed assets to the United States, including but not limited to:
26 one Samsung cellular telephone, model SM-G925V, ESN 990004867973616.

27 Defendant stipulates that he is the sole owner of the assets identified herein and
28 that no one else has an interest in the assets.

1 Defendant acknowledges that the assets listed above, which Defendant is
2 agreeing to forfeit, are subject to forfeiture as property used or intended to be used in
3 any manner or part to commit or to facilitate the commission the offenses to which
4 Defendant is pleading guilty, pursuant to 18 U.S.C. § 2253 (Production of Child
5 Pornography, in violation of 18 U.S.C. § 2251(a), (e) (Count One)) and 18 U.S.C.
6 § 2428 (Enticement of a Minor, in violation of 18 U.S.C. § 2422(b) (Count Two)).

7 Defendant agrees to take all steps as requested by the United States to pass clear
8 title to the assets to the United States and to testify truthfully in any forfeiture
9 proceedings. Defendant agrees to hold harmless all law enforcement agents and the
10 United States, its agents, and its employees from any claims whatsoever arising in
11 connection with the seizure, abandonment, or forfeiture of any asset covered by this
12 Plea Agreement.

13 Defendant further agrees to waive all constitutional and statutory challenges in
14 any manner (including direct appeal, habeas corpus, or any other means) to any
15 forfeiture carried out in accordance with this Plea Agreement on any grounds, including
16 that the forfeiture constitutes an excessive fine or punishment. Defendant knowingly
17 and voluntarily waives his right to a jury trial on the forfeiture of the assets. Defendant
18 waives oral pronouncement of forfeiture at the time of sentencing, and any defects that
19 may pertain to the forfeiture. Defendant waives further notice of any federal, state, or
20 local proceedings involving the forfeiture of the seized assets that Defendant is agreeing
21 to forfeit in this Plea Agreement.

22 16. Notice of Sex Offender Registration

23 Defendant has been advised and understands, that as a convicted sex offender,
24 under the Sex Offender Registration and Notification Act, a federal law, Defendant
25 must register and keep the registration current in each of the following jurisdictions: the
26 location of Defendant's residence, the location of Defendant's employment; and, if
27 Defendant is a student, the location of Defendant's school.
28

1 Registration will require that Defendant provide information that includes name,
2 residence address, and the names and addresses of any places at which Defendant is or
3 will be an employee or a student. Defendant understands that Defendant must update
4 Defendant's registrations not later than three business days after any change of name,
5 residence, employment, or student status. Defendant understands that failure to comply
6 with these obligations subjects Defendant to prosecution for failure to register under
7 federal law, 18 U.S.C. § 2250, which is punishable by a fine or imprisonment, or both.

8 17. Additional Violations of Law Can Void Plea Agreement

9 Defendant and the United States agree that the United States may at its option
10 and upon written notice to Defendant, withdraw from this Plea Agreement or modify its
11 recommendation for sentence if, after Defendant's guilty plea and prior to the
12 imposition of sentence, Defendant is charged or convicted of any criminal offense
13 whatsoever or if Defendant tests positive for any controlled substance.

14 18. Waiver of Appeal Rights and Collateral Attack

15 Defendant is aware that 18 U.S.C. § 3742 affords Defendant the right to appeal
16 Defendant's sentence. Acknowledging this, Defendant knowingly and voluntarily
17 agrees to waive all constitutional and statutory rights to appeal his conviction and
18 sentence so long as the Court sentences Defendant within the terms of this Rule
19 11(c)(1)(C) Plea Agreement: 270 months of incarceration, to be followed by a term of
20 Supervised Release between 20 years and the remainder of Defendant's lifetime.

21 Defendant's appellate waiver includes, but is not limited to, challenges to the
22 following: the terms of this Plea Agreement, Defendant's guilty plea, venue, the amount
23 of restitution ordered by the Court, any Guidelines enhancements applied by the Court,
24 the reasonableness of the Court's sentence, any fine or Special Assessment imposed by
25 the Court, any terms of supervised release imposed by the Court, and any statutes of
26 limitation.

27 Defendant expressly waives Defendant's right to file any post-conviction motion
28 attacking Defendant's mental competence, plea, conviction, and/or sentence, including

1 motions pursuant to 28 U.S.C. § 2255, 28 U.S.C. § 2241, and 18 U.S.C. § 3742, except
2 a motion based on ineffective assistance of counsel arising from information not now
3 known by Defendant and which, in the exercise of due diligence, could not be known
4 by Defendant by the time the Court imposes sentence.

5 Nothing in this Agreement shall preclude the United States from opposing any
6 post-conviction motion for a reduction of sentence or other attack of the conviction or
7 sentence, including, but not limited to, proceedings pursuant to 28 U.S.C. § 2255.

8 19. Withdrawal or Vacatur of Defendant's Plea

9 If Defendant successfully moves to withdraw or vacate his plea, dismiss the
10 underlying charges, or reduce or set aside his sentence on the counts to which he is
11 pleading guilty, then the following provisions will apply:

- 12 a. This Plea Agreement shall become null and void;
- 13 b. The United States and Spokane County may prosecute Defendant on
14 any count to which he has pleaded guilty;
- 15 c. The United States and Spokane County may reinstate any counts
16 that have been dismissed, have been superseded by the filing of an
17 Information, or were not charged because of this Agreement;
- 18 d. The United States and Spokane County may file any new charges
19 that would otherwise be barred by this Agreement;
- 20 e. The United States and Spokane County may prosecute Defendant on
21 all available charges involving or arising from the incidents charged
22 in any charging instrument in this case or the case in Spokane
23 County;
- 24 f. The decision to pursue any or all of these options is solely in the
25 discretion of the United States Attorney's Office and/or the
26 Prosecuting Attorney's Office for Spokane County;
- 27 g. Defendant agrees to waive any objections, motions, and defenses he
28 might have to the United States' or Spokane County's decision

1 about how to proceed, including a claim that the United States has
2 violated Double Jeopardy; and

3 h. Defendant agrees not to raise any objections based on the passage of
4 time, including but not limited to, alleged violations of any statutes
5 of limitation or any objections based on the Speedy Trial Act or the
6 Speedy Trial Clause of the Sixth Amendment.

7 20. Global Disposition for Charged Conduct

8 The Spokane County Prosecutor's Office agrees to dismiss, and not file, criminal
9 charges against Defendant as set forth herein. Defendant acknowledges that if
10 Defendant successfully withdraws from his federal guilty plea, all representations from
11 the Spokane County Prosecutor's Office will be null and void. The Spokane County
12 Prosecutor's Office makes no representations about prosecution of any future conduct
13 by Defendant, or past criminal conduct that is not set forth in the factual basis of this
14 Plea Agreement. The signature of Deputy Prosecuting Attorney for Spokane County on
15 this Plea Agreement serves as confirmation of all representations from the Spokane
16 County Prosecutor's Office.

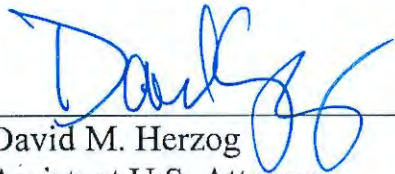
17 21. Integration Clause

18 The United States and Defendant acknowledge that this document constitutes the
19 entire Plea Agreement between the United States and Defendant, and no other promises,
20 agreements, or conditions exist between the United States and Defendant concerning
21 the resolution of the case. This Plea Agreement is binding only on the United States
22 Attorney's Office for the Eastern District of Washington and the Spokane County
23 Prosecutor's Office, as set forth herein, and cannot bind other federal, state, or local
24 authorities. The United States and Defendant agree that this Agreement cannot be
25 modified except in a writing that is signed by the United States and Defendant.
26
27
28

Approvals and Signatures

Agreed and submitted on behalf of the United States Attorney's Office for the Eastern District of Washington.


William D. Hyslop
United States Attorney



David M. Herzog
Assistant U.S. Attorney

2/11/2020
Date


Agreed and submitted on behalf of the Spokane County Prosecutor's Office.
Larry Haskell
Spokane County Prosecuting Attorney



Melissa L. Varnick
Deputy Prosecuting Attorney

2/11/2020
Date

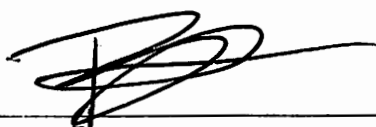
I have read this Plea Agreement and have carefully reviewed and discussed every part of the agreement with my state and federal attorneys. I understand and voluntarily enter into this Plea Agreement. Furthermore, I have consulted with my state and federal attorneys about my rights, I understand those rights, and I am satisfied with the representation of my state and federal attorneys in this case. No other promises or inducements have been made to me, other than those contained in this Plea Agreement and no one has threatened or forced me in any way to enter into this Plea Agreement. I agree to plead guilty because I am guilty.



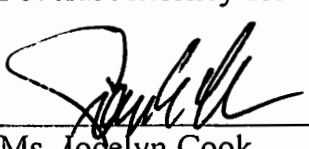
Charles Jay Eglet
Defendant

2-12-20
Date

1 I have read the Plea Agreement and have discussed the contents of the agreement
2 with my client. The Plea Agreement accurately and completely sets forth the entirety of
3 the agreement between the United States and my client. I concur in my client's
4 decision to plead guilty as set forth in the Plea Agreement. There is no legal reason
5 why the Court should not accept my client's plea of guilty.

6
7 
8 _____
9 Mr. Roger Peven
Federal Attorney for Defendant

2/12/2020
Date

10 
11 _____
12 Ms. Jodelyn Cook
State Attorney for Defendant

2/11/2020
Date